

06-15-05
3763
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas L. Peterson
Serial No.: 10/068,291
Filed: February 5, 2002
Confirmation No.: 4130
Due Date: UNKNOWN
Title: DRUG PUMP SYSTEMS AND METHODS
Examiner: Manuel A. Mendez
Group Art Unit: 3763
Docket: 09015.0067-US-C3
Notice of Allow. Date: UNKNOWN



CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 142555750 US
Date of Deposit: June 14, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post-Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450.

By:
Name: David Ortiz

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 15 Reference(s)
- ☒ Return postcard

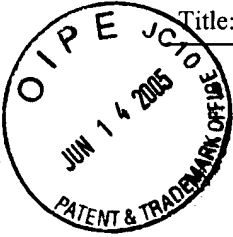
Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By:
Name: John C. Reich
Reg. No.: 37,703
JReich:nma

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S/N 10/068,291

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|-------------------------------|-----------------|------------------|
| Applicant: | Thomas L. Peterson | Examiner: | Manuel A. Mendez |
| Serial No.: | 10/068,291 | Group Art Unit: | 3763 |
| Filed: | February 5, 2002 | Docket No.: | 09015.0067-US-C3 |
| Title: | DRUG PUMP SYSTEMS AND METHODS | | |

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By: 

Name: David Ortiz

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

The applicants are filing this information disclosure statement to disclose that United States Patent 6,241,704, which is a parent for the pending application and is currently the subject of litigation in United States District Court for the District of Delaware, Medtronic MiniMed, Inc. v. Smiths Medical MD, Inc., Civ. Action No. 03-776-KAJ. This Information Disclosure Statement and attached Form 1449 disclose pleadings and related documents for this litigation that are not subject to a court imposed protective order and that raise various defenses to the allegation of infringement of United States Patent 6,241,704 including inequitable conduct and invalidity. Please contact the undersigned attorney if any other documents or information would be helpful in the examination of this application.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or

a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

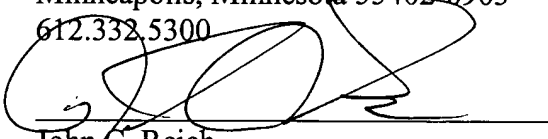
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
612.332.5300

Date: June 14, 2005




John C. Reich
Reg. No. 37,703
JCR:nma

FORM 1449*

INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

09015.0067-US-C3

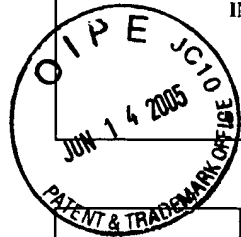
Application Number:

10/068,291

Applicant: Thomas L. Peterson

Filing Date: February 5, 2002

Group Art Unit: 3763



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| | | <u>EXPERT RESPONSE OF ANTHONY STORACE ON BEHALF OF DEFENDANT COUNTERCLAIMANT SMITHS MEDICAL MD, INC., TO THE EXPERT REPORT SUBMITTED BY JACK GOLDBERG ON BEHALF OF PLAINTIFF MEDTRONIC MINIMED (EXHIBITS B-J); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>MEDTRONIC MINIMED'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF CLAIMS 6 AND 11 OF SMITHS' '704 PATENT (EXHIBITS A-B), MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>MEDTRONIC MINIMED'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF CLAIMS 6 AND 11 OF SMITHS' '704 PATENT (EXHIBITS A-B); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>DEFENDANT SMITHS MEDICAL MD, INC.'S, ANSWERING BRIEF RESPONDING TO MEDTRONIC MINIMED, INC.'S CLAIM CONSTRUCTION BRIEF FOR U.S. PATENT NO. 6,241,704, C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>DECLARATION OF ANTHONY C. ROTH IN SUPPORT OF DEFENDANT-COUNTERCLAIM PLAINTIFF SMITHS MEDICAL MD, INC.'S RESPONSE BRIEF TO MEDTRONIC MINIMED, INC.'S CLAIM CONSTRUCTION BRIEF OF US PATENT NO. 6,241,704 (EXHIBITS A-H); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>DEFENDANT SMITHS MEDICAL MD, INC.'S BRIEF IN OPPOSITION TO MEDTRONIC MINIMED, INC.'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF CLAIMS 6 & 11 OF SMITHS MEDICAL, INC.'S U.S. PATENT NO. 6,241,704; C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>DECLARATION OF ANTHONY C. ROTH IN SUPPORT OF DEFENDANT-COUNTERCLAIM PLAINTIFF SMITHS MEDICAL MD, INC.'S BRIEF IN OPPOSITION TO MEDTRONIC MINIMED, INC.'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF CLAIMS 6 & 11 OF SMITHS MEDICAL MD, INC.'S US PATENT NO. 6,241,704 (EXHIBITS 1-7); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>EXPERT REPORT OF JACK GOLDBERG ON BEHALF OF PLAINTIFF MEDTRONIC MINIMED PURSUANT TO FED. R. CIV. P. 26(a)(2) (EXHIBITS A-F); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>OPENING BRIEF IN SUPPORT OF DEFENDANT SMITHS MEDICAL, INC.'S PROPOSED CLAIM CONSTRUCTIONS FOR U.S. PATENT NOS. 6,241,704, 6,554,065, and 6,554,798 (EXHIBITS 1-20); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC.</u> |
| | | <u>MEMORANDUM OPINION; C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD INC.</u> |
| | | <u>ORDER; C.A. NO. 03-776; MEDTRONIC MINIMED INC. V. SMITHS MEDICAL MD INC.</u> |


23552

PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

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| FORM 1449*  INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 09015.0067-US-C3 | Application Number: 10/068,291 |
| | Applicant: Thomas L. Peterson | |
| | Filing Date: February 5, 2002 | Group Art Unit: 3763 |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|--------------|------|------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
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| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
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| | | <u>COMPLAINT FOR PATENT INFRINGEMENT</u> (EXHIBITS 1-3); C.A. No. 03-776, MEDTRONIC MINIMED, INC. V. DELTEC, INC. AND SMITHS MEDICAL LTD. |
| | | <u>FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT</u> (EXHIBITS 1-3); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. DELTEC, INC., SMITHS GROUP NORTH AMERICA, INC. AND SMITHS MEDICAL LTD. |
| | | <u>ANSWER AND COUNTERCLAIMS OF SMITHS MEDICAL MD, INC.</u> (EXHIBITS 1-5); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. DELTEC, INC., SMITHS GROUP NORTH AMERICA, INC. AND SMITHS GROUP PLC. |
| | | <u>JOINT CLAIM CONSTRUCTION STATEMENT</u> (EXHIBITS 1-2); C.A. NO. 03-776, MEDTRONIC MINIMED, INC. V. SMITHS MEDICAL MD, INC. |

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